IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

JEROD MATHEW REED,

Appellant.

DOCKET NUMBER WD75314

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: June 25, 2013

APPEAL FROM

The Circuit Court of Adair County, Missouri The Honorable Russell E. Steele, Judge

JUDGES

Division I: Witt, P.J., and Newton and Pfeiffer, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General Todd T. Smith, Assistant Attorney General Jefferson City, MO

Attorneys for Respondent,

Craig A. Johnston, Assistant Public Defender Columbia, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)	
	Respondent,)	
v.	Respondent,)	OPINION FILED:
JEROD MATHEW REED,)	June 25, 2013
CENOD WHITIE W REED,)	
	Appellant.)	

WD75314 Adair County

Before Division I Judges: Gary D. Witt, Presiding Judge, and Thomas H. Newton and Mark D. Pfeiffer, Judges

Jerod Reed appeals the judgment of the Circuit Court of Adair County, Missouri, finding him guilty, following a bench trial, of two counts of assault on a law enforcement officer in the first degree, § 565.081.1, RSMo Cum. Supp. 2010, and one count each of armed criminal action, § 571.015, RSMo 2000, and resisting arrest, § 575.150, RSMo Cum. Supp. 2010. On appeal, Reed challenges the sufficiency of the evidence on the two counts of assault of a law enforcement officer, claiming that there was insufficient evidence presented to establish that he knew the two plain-clothed detectives were law enforcement officers and that there was insufficient evidence presented that he intended to kill or seriously injure both detectives by firing only a single shot.

AFFIRMED.

Division I holds:

Although the two detectives who were attempting to arrest Reed were dressed in plain clothes and did not announce themselves as police officers, they had presented to Reed's home earlier in the day, identified themselves to Reed's relatives as police officers there to arrest Reed for outstanding warrants, and told Reed not to move and that he was under arrest. Also, at least one of the detectives was clearly wearing his badge at his waist near his service arm, and the other detective had had prior law enforcement contact with Reed, both while he was in and out of

uniform. This was sufficient evidence for a reasonable trier of fact to find beyond a reasonable doubt that Reed knew the detectives were law enforcement officers when he assaulted them.

Also, although Reed managed only to fire a single shot during the struggle with the two detectives, and Reed's gun was later determined to have held only one bullet, the detectives testified that Reed continued to pull the gun's trigger after he fired the first shot. Reed's continued attempts to fire the gun in the close proximity of both detectives while trying to evade capture is sufficient evidence for a reasonable trier of fact to find that Reed attempted to kill or seriously injure both detectives during the skirmish.

Opinion by: Mark D. Pfeiffer, Judge

June 25, 2013

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